

## **STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

### **COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 11th day of February 2008 A.D. at 6:00 p.m.

President Durfee opened the meeting at 6:00 p.m.

#### **CLOSED EXECUTIVE SESSION**

##### **1, Town Solicitor-42-46-5(a)(2)—Litigation**

A motion was made by Councilor Bollin seconded by Councilor Medeiros to enter into Executive Session pursuant to 42-46-5(a)(2) Litigation. The motion passed unanimously.

The Council entered into Executive Session at approximately 6:01 p.m.

The Council returned to Open Session at approximately 6:56 p.m.

#### **OPEN SESSION**

Councilor Bollin made a motion to seal the minutes of the Executive Session. Councilor Carroll seconded the motion, which passed unanimously.

President Durfee reopened the meeting with the Pledge of Allegiance.

<b>Roll Call:</b>	Joanne M. Arruda	Louise Durfee
	Donald Bollin	Jay Edwards
	Paul E. Carroll	Brian A. Medeiros
	Hannibal F. Costa	

Town Administrator, W. Glenn Steckman III and  
Town Solicitor, Andrew M. Teitz were also present.

#### **Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin read the items as listed on the Consent Agenda.

Councilor Edwards removed Item A-3-b Correspondence.

Councilor Medeiros made a motion to approve the Consent Agenda. Councilor Arruda seconded the motion and then passed unanimously.

The Consent Agenda was as follows:

#### **CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings.**

1. Approval of Minutes of Regular Town Council Meeting of January 28, 2008

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                                     |                              |                          |
|-------------------------------------|------------------------------|--------------------------|
| a. Library Board of Trustees        | b. Charter Review Commission | c. Open Space Commission |
| d. Wastewater Management Commission | e. Arts Committee            | f. Prevention Coalition  |
| g. Board of Canvassers              |                              |                          |

**A-3 Correspondence**

- a. Received From Town of Exeter Regarding Resolution Supporting Long Term Health Care for Veterans
- c. Received Copy Memo From CRMC to Planning Board
- d. Received from Ms. Patricia Sullivan Regarding Council Chamber Sound System
- e. Received From Secretary of State's Office Regarding House Resolution Declaring March 29, 2008

"LIGHTS OUT AMERICA

DAY"- Resolution Posted

- f. Received From RIDEM To Bay Street Neighborhood Residents Regarding Soil Remediation by Private Contractors

**A-4. Approval of Tax Assessor Abatements**

**A-5- Approval of Transfer of Lake Road Cemetery Trust Funds to Amicable Congregational Church.**

**Correspondence Received from City of Newport Regarding Resolution Requiring Voter Approval for Expansion of Hour of Operation on Video Lottery Facilities:**

Councilor Edwards removed the item from the Consent Agenda. Legislation House Bill 7161 was introduced which would allow cities/towns to have more control of gambling within their communities. City of Newport; seeking support of 2008 H7161, the request seemed reasonable and logical.

Councilor Edwards made a motion requesting that both of our Legislator's be sent a letter urging them to support H7161 on behalf of the Town of Tiverton. The motion was seconded by Councilor Arruda and passed unanimously.

**PUBLIC HEARINGS**

**SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT:**

**Notice as published in local newspaper First of Two Public Hearings**

**NOTICE  
PUBLIC HEARING  
TOWN OF TIVERTON**

The Town of Tiverton is considering filing an application for a Small Cities Community Development Block Grant. A maximum of \$250,000.00 is available to undertake the following range of activities.

- a) Provisions of employment opportunities for low and moderate income individuals.
- b) Improved housing opportunities for low and moderate-income families and individuals.
- c) Provision of community facilities and services principally benefiting low and moderate-income families and individuals.

A public hearing will be held at the Town Hall on February 11, 2008 at 7:30 P.M. for the purpose of obtaining the views of citizens on community development and housing needs and on program performance. Citizens with handicaps needing sign language or other assistance should call 625-6700 for an interpreter 72 hours in advance.

W. Glenn Steckman III  
Town Administrator

The First of Two Public Hearings: was opened by President Durfee.

Mr. Stephen Ostiguy, Executive Director of the Church Community Housing Corporation was present.

Past years, the Town of Tiverton had benefited through the three categories as noticed above. Programs such as sewers in the North End Area, Bay Street, Hooper, State Ave. as those areas meet the requirements of low and moderate income; Mobile Parks in Tiverton, Housing Rehabilitation, East Bay Community Action Group all benefited from the programs.

Mr. Stephen Ostiguy submitted his request to the Town Administrator.

1. North Tiverton Area, to further extend sewer lines.
2. Working on Sandy Woods Farm Project
3. To continue to Administer the Revolving Loan Fund

The First Public Hearing was to gather information and suggestions, requests to be submitted as soon as possible to Town Administrator.

The Second Public Hearing, the Council finalizes the Application.

For the Record, Town Administrator had received a request by email from the Community Housing Land Trust of RI for \$3,000.00

Wastewater Management exhausted their funding for a current project.

Mr. Spencer, Town Planner working with the Economic Development seeking funds for Store Front Revitalization.

Ms. Susan Schenck, Operation Director of East Bay Community Action Group, requesting up to \$5,000.00 to complete striping of parking lot on Stafford Road, and a new server to support technology, upgrade heating and air conditioning.

A representative of the Community Housing Resource Board, help with Housing complaints, evictions, etc., and to provide safe, secure housing for everyone.

No further comments, President Durfee closed the Public Hearing.

The Town Council was sitting as the Board of Licensing Commissioners:

#### **BOARD OF LICENSING COMMISSIONERS**

#### **Robert Thibault d/b/a B & L Investments/King's Seafood & Pizza, 115 Stafford Road Requests Approval of Victualling License Subject to Meeting All Legal Requirements:**

A motion was made by Councilor Medeiros seconded by Councilor Edwards granting the Victualling license subject to meeting all legal requirements.

Fire Chief Lloyd approached the Council with a concern the 115 Stafford Road, location, had forty-one violations; asked that the request be tabled. Fire Chief had received a hand written plan, however not had time to review.

Councilor Medeiros withdrew his motion.

Because all licenses are not issued by the Town Clerk until all the legal requirements are met, which includes Fire Inspection, Councilor Costa re entered the motion to issue the Victualling License subject to meeting all of the legal requirements.

Town Solicitor, opined that as a practical sense, hold off to allow the Fire Chief to have a formal inspection and report back.

Councilor Bollin made a motion to continue the matter to the first Council Meeting March 10, 2008. Councilor Medeiros seconded the motion and then passed by vote of 6-1, Councilor Costa opposed.

**B & B Contracting & Excavation Inc.-Street Excavator's License-Bruce Bannister, 593 Montaup Street, Fall River, MA. -Subject to Meeting All Legal Requirements:**

A motion was made by Councilor Medeiros, seconded by Councilor Edwards to grant the Street Excavator's License subject to meeting all legal requirements. The motion passed by vote of 6-1, Councilor Costa opposed.

**UNFINISHED BUSINESS**

**Request for Amendment to Zoning Ordinance Originally Submitted on December 10, 2007:**

- a. Correspondence From Noel Berg Previously Distributed
- b. Attorney Kenneth Tremblay-Submission of Documentation

Attorney Kenneth Tremblay had notified the Town Clerk, requesting the matter be continued.

Councilor Carroll made a motion to continue the matter to the next Council Meeting, seconded by Councilor Medeiros.

Town Solicitor, Andrew M. Teitz, was uncomfortable speaking on the matter in the absence of Attorney Tremblay. Had spoken to Attorney Tremblay, Mr. Campbell, the involved parties and Attorney Peter Ruggeiro, which he was going to ask the Council that the application be rejected for being incomplete. Both Town Solicitor and Attorney Peter Ruggeiro opined the proposal needed to be set forth as a map change with a list of abutters within a radius.

Town Solicitor at this point distributed copies of a Case in Providence 25 Assoc. LLC vs. Edgar Paxson, challenging Zoning, with no map, no notice to abutters, the proposal was considered incomplete.

Councilor Carroll withdrew his motion, made another motion to table the matter. Councilor Costa seconded the motion. The motion passed by vote of 6-1, Councilor Bollin opposed.

**FINANCIAL BUSINESS:**

**Chief Blakey, TPD-Request Approval of Transfer for \$1500.00 from Account. #333-648 (Auto Parts) to Account #333-667 (Police Operations)**

The matter was taken care of, therefore removed.

**Town Administrator-Request Approval of Transfer for \$12,000.00 from Acct. # 219-266 (Health Insurance) to Acct. # 215-345 (Collection Account)**

Town Administrator requesting the transfer of \$12,000.00 for Rossi Collection Services to offset the expense to avoid showing a shortfall.

There were two other items to follow requesting transfers, totaling \$92,000.00, if approved the balance left in the Health Care Account was estimated by Town Administrator to be between \$30,000 to \$40,000.

Last May after the FTM, negotiated with Blue Cross through Governmental Health Group of RI, the

Administration Fees were lowered, saved over \$120,000 on the municipal side. A decision was made by the Board; the Town would receive a partial holiday payment of \$32,000.00 one time windfall.

Discussion ensued; President Durfee noted a balance of \$819,358.44 as of January 31, 2008 in the Health Insurance Account. There was concern with regard to taking out \$92,000.00, there were four more payments by June, would like to see an estimate as to what would be available did not want to be surprised and end up short in June.

Councilor Costa suggested to postpone the three requests and asked if there was any emergency. Town Administrator responded that Item F-2 would mean deficit spending.

F-3- Not enough money to pay Town Attorney's bill for at least \$3,000 for litigation

H-2- Repair for the Senior Center Roof, only asking to set aside \$30,000 or encumber to at least begin the process to repair the leak, want to go out to bid.

James C. Goncalo, Town Treasurer, said he could come up with a reasonable calculation as to what the account balance would be after the required payments.

Councilor Costa made a motion to continue the three items to the next Council Meeting. Then amended his motion to transfer \$10,000.00 to pay the Attorney. There was no second.

Councilor Medeiros made a motion to continue F-2 to the next Council Meeting of February 25, 2008. The motion was seconded by Councilor Edwards, which passed unanimously.

**Town Administrator-Request Approval of Transfer for \$50,000.00 from Account #219-266 (Healthcare) to Acct. #105-359 (Litigation)**

A motion was made by Councilor Costa to transfer \$10,000.00 from Account #219-266 to Account #105-359 and the \$40,000.00 remaining, be carried to the next Council Meeting of February 25, 2008. The motion was seconded by Councilor Carroll and passed unanimously.

**NEW BUSINESS:**

**Chief Blakey- a. Discussion on Juvenile Detective Position**

**b. Discussion Forfeiture Vehicle 2001 Chevrolet Corvette**

Chief Blakey requested Item **a. Juvenile Detective Position** be removed at this time for future discussion at the next meeting of the Council.

**b. Discussion Forfeiture Vehicle 2001 Chevrolet Corvette**

When the Police Department seized the Corvette as a result of a drug arrest, Police Chief had been told there were no liens on the vehicle. Received Official Notification the vehicle was awarded to the Police Department, with outstanding lien of \$16,275.66 and Federal court cost of \$4,850.00 totaling \$21,125.66.

Police Chief wanted to take ownership of the Corvette and pay the \$21,125.66, and trade in the vehicle for more practical program cars to be used for drug surveillance and undercover. There was at the present time \$100,456.58 in the drug forfeiture account with another \$50,000.00 pending.

The Corvette had been appraised from \$28,000 to \$30,000, which would mean a \$7,000 to \$9,000 gain to the Town. All monies seized goes into the Drug Forfeiture Account, not to the General Fund.

The Police Chief was not adding to the fleet only replacing two older cars, which would not be adding to Insurance.

Town Solicitor, the bidding process must be followed, did not need to advertise, however must solicit proposals with three dealers and must get the proposals in writing.

As a past practice the Council may authorize the use of the drug forfeiture to release the liens.

Councilor Carroll made a motion to approve the use of drug forfeiture funds to release the liens. The motion was seconded by Councilor Costa and passed unanimously.

**Tiverton Land Trust and Tiverton Open Space Commission-Request Town Council Endorsement of Resolution Recommending General Assembly Authorize 2008 Bond Referendum for Open Space Protection on the November 2008 Ballot:**

Ms. Patricia Sylvester, of the Tiverton Land Trust and Mr. Garry Plunkett of the Open Space Commission requested the Council endorsement of the Resolution to be forwarded to our Legislators and to Governor Carcieri that the General Assembly include a \$15M Bond for Open Space protection to be placed on the 2008 November Ballot.

Councilor Bollin made a motion to endorse the Resolution as presented. Councilor Edwards seconded the motion and then passed unanimously.

The Resolution was as follows:

TOWN OF TIVERTON  
TOWN COUNCIL RESOLUTION

Whereas, the Town of Tiverton established the Open Space Commission to acquire and manage land for the purpose of preserving open space and

Whereas, the Town of Tiverton, recognizing the importance to the health, safety and welfare of the community, has continually sought to preserve and protect the valuable open space and recreation resources of the Town by working to preserve sensitive environmental areas, scenic corridors and farmland resulting in approximately 620 acres now being managed by the Tiverton Open Space Commission; and

Whereas, the Town of Tiverton has adopted a state approved Comprehensive Community Plan that documents Town objectives for open space preservation and for recreation facility development in a manner consistent with the State Guide Plan; and

Whereas, the Tiverton Land Trust, a non-profit, charitable organization, formed in 1997 and dedicated to preserving the rural character and scenic beauty of Tiverton, is protecting approximately 300 acres of forest, farmland and open space; and

Whereas, in November 2005, 70.9% of the citizens of the Town of Tiverton voted in favor of a \$70 million state open space bond referendum for open space preservation, outdoor recreation facilities, and Narragansett Bay restoration; and

Whereas, the Open Space Commission and the Tiverton Land Trust have actively sought funding through the Rhode Island Agricultural Land Preservation Commission and Rhode Island Department of Environmental Management Open Space Grants, to protect open space and farmland in Tiverton; and

Whereas, projects in Tiverton financed in part with state Open Space Bond funds have enabled the Town to achieve significant progress in implementing the Comprehensive Community Plan, preserve our community

character, and enhance our quality of life by protecting open spaces including the Pardon Gray Preserve, Weetamoo Woods, Pocasset Ridge, and Eight Rod Management Area; and

Whereas, Rhode Island Department of Environmental Management funds for open space acquisition and recreation development programs from the 2004 Bond are nearly exhausted; it is now therefore

Resolved, that the Town Council of the Town of Tiverton supports the efforts of the State of Rhode Island to gain approval of a 2008 bond referendum for open space preservation and urges the support of the Office of the Governor and the Rhode Island General Assembly to authorize this measure for the statewide ballot in November, 2008; and it is further

Resolved, that the Town Council of the Town of Tiverton recommends that the Rhode Island General Assembly authorize a 2008 bond

Referendum that provides \$15 million for open space protection programs; and it is further

Resolved, that the Town Council of the Town of Tiverton recommends to the voters of the Town of Tiverton and all voters statewide that they support the 2008 Open Space Bond initiative and vote in favor of the bond referendum in November 2008, if authorized.

Louise Durfee, Town Council President

February 11, 2008

**Town Administrator-Request Approval of Resolution to Create the Tiverton Planning Department:**

Town Administrator requesting Council approval to create the Planning Department, which could be done by Resolution.

Mr. Steckman distributed a copy of Policy #8 that was passed in the Comprehensive Community Plan Update adopted in 2006.

The Policy was to establish a Planning Department with a full time planner and staff that support the work of the Planning Board and works in conjunction with all town departments.

The Town has hired a full time planner just need to create a Planning Department and direct the Budget Committee to allocate money in the Budget for the Planning Department.

Councilor Bollin made a motion to adopt the Resolution, seconded by Councilor Medeiros.

Discussion ensued, how would the Town benefit, and who was overseeing the day-to-day operations, where was the budget?

Currently paying part of the operations from the Administrator's Budget. Nothing was changing however giving direction to the Budget Committee that now there was a Planning Department that should be budgeted.

There was also a question, the Town Planner was also the Administrative Officer of the Planning Board, according to State Law, the Administrative Officer reports to Planning Board, for administrative purposes, reports to the Town Administrator.

Mr. Christopher Cotta, Chair of the Budget Committee, had a concern the proposed Planning Department was not part of the Charter, last year the budget was under the Administrator which was not appropriate. There should be a policy, procedure or mechanism, should be left alone until it works its way through.

The policy was reviewed; the end of last sentence in Resolution was deleted.

Councilor Bollin amended his motion to end the last sentence of the Resolution of Tiverton Planning Department; Councilor Medeiros seconded the motion. The motion passed by vote of 5-2, Councilors Costa and Edwards opposing.

The Resolution as adopted was as follows:

**RESOLUTION 2008-1**

**A RESOLUTION TO CREATE THE TOWN OF TIVERTON  
PLANNING DEPARTMENT**

WHEREAS: the Town Council of Tiverton adopted the Comprehensive Community Plan on September 25, 2006; and

WHEREAS: the Town of Tiverton Comprehensive Community Plan Policy #8 calls for the establishment of a Planning Department; and

WHEREAS: the Town of Tiverton hired its first full-time town planner, Chris Spencer, in January, 2007; and

WHEREAS: the purpose of the Planning Department is to plan proactively for the future and deal with the administrative, technical and planning requirements of regulating ongoing development; and

WHEREAS: the purpose of the Planning Department is to assist the Planning Board in fulfilling its state and town mandated role in Planning; and

WHEREAS: the purpose of the Planning Department is to work in conjunction with all town departments; and

NOW, THEREFORE, LET IT BE RESOLVED; that the Town of Tiverton Planning Department is formed this 11th day of February 2008 by the approval of the Tiverton town Council and the town planner shall serve as head of the Tiverton Planning Department.

**Town Administrator-Request Approval of Resolution for Stone Bridge Committee:**

Town Administrator, W. Glenn Steckman III seeking approval to create a Stone Bridge Committee by resolution.

The Council had established the Committee back in 2003 with no clear guidelines of their charges, representatives of various committees who were interested in the project served, along with residents and business owners in the Stone Bridge area. There were no appointments made or terms defined for the committee, however had been functioning for five years on and off.

Three years ago a grant was never executed, Town Solicitor had reviewed and approved the documentation, had to be signed with updated names of the Committee. During the last five years, members came and went.

Ms. Susan Anderson, a member of the Open Space had chaired, which was called the Stone Bridge Area Improvement Task Force.

Their goal was to focus only on the Stone Bridge area, to investigate options and to formulate a plan to enhance and beautify the Landing, restore/repair the Old Bridge, upgrade Grinnell's, repair the fishing pier, improve the WWII Monument, and the possibility of a marina for income opportunities.

The Grant was totally separate from the Streetscape and Bike Path Grants.

A copy of the Resolution was attached to the Agenda Request, Town Administrator seeking approval of the Resolution to formally create the Committee to allow the organization to go seek grants, and private funds to



fund the over \$2 million dollar abutment project. Then Town Administrator, for Council consideration, requested to amend the attached Resolution to include the Open Space and Conservation Commissions and to delete the Harbor Master.

Councilor Costa made a motion to adopt the Resolution as it was written. Councilor Medeiros seconded the motion.

The motion passed by vote of 6-1, President Durfee opposed.

Councilor Costa did not amend the Resolution as requested by the Town Administrator, felt the matter had little to do with Open Space and Conservation Commissions; the Harbor Master had legitimate interest in the project.

President Durfee had conversation last fall with Representative Amaral, saying that the Town of Tiverton would never get funds to repair the Old Stone Bridge, there were no funds available, perhaps the Town would consider giving it back to the State, and maybe at some point the State would refurbish the Bridge.

Councilor Bollin, the Town should research if there was any possibility that the State would take over the Bridge, if so, Councilor Bollin was more than willing to give it back to the State.

That should be explored before asking the Committee to go out to seek funds for \$2 Million Dollars. The \$200,000.00 Grant received from Kennedy's Office was a drop in the bucket. The Harbor and Coastal Waters Management had received a \$125,000 Grant for an Engineering Study, VHB was awarded the contract, from the grant \$60,000.00 was left, up to a 10% design phase was done, all the information was on the web site, with the design and the improvements.

The Town Administrator said there was money available through DEM and Earmark Funding, wouldn't hurt to have the Committee move forward and see what they can accomplish, perhaps the State would be in a better financial situation in the future.

Town Solicitor, Andrew M. Teitz had prepared the Resolution suggested to include a sunset date of January 1, 2013.

Councilor Costa amended his motion to add the sunset date of January 1, 2013, seconded by Councilor Medeiros.

Amendment passed 6-1. Louise Durfee opposed.

Ms. Patricia Sullivan who had been on the Task Force from day one, a lot of work had been done, a lot of information had been gathered, and Engineering Plans, etc. Requested that all the information be preserved if the Council was to put the matter on hold.

Town Administrator had received Earmark Funding Request from Senator Reed and Representative Kennedy. \$245,000.00 funding in the intermodal transportation Grant. Looking to seek money from DEM, DOT and private funds to see how much the Town could receive and maybe going to the State for a one-time match.

## **Town of Tiverton** **Resolution Implementing The Establishment Of** **The Stone Bridge Committee**

**WHEREAS**, the Tiverton Town Council, on January 13, 2005, established a "sub-committee" to focus on the Stone Bridge area of town and "investigate options to improve and formulate a plan to enhance and beautify the Town Landing and the possibility of a marina for income opportunities; and

**WHEREAS**, the Town Council allowed such committee to function on an ad-hoc basis, with all interested people participating, and with the Committee's assistance, the Rhode Island Department of Transportation awarded a grant to the Town of \$370,520 for the "repair, improvements and beautification of the Old Stone Bridge abutment and approach, to serve as a passive recreation site at Grinnell's Beach on Main Road;" and

**WHEREAS**, the Town Council has decided to fully implement said Committee so as to provide a broad cross-section of representation and a more-formalized structure:

**IT IS HEREBY RESOLVED**, by the Town Council of Tiverton that the Stone Bridge Committee is hereby re-established and organized as follows:

1. **Purpose**

The purpose of the Committee shall be to assist and advise the Town Council and Town Administrator on improving, enhancing and beautifying that part of the Town known as the Town Landing and/or the Old Stone Bridge, specifically including the bridge abutment/pier and Grinnell's Beach and the immediate surrounding area.

2. **Membership**

The membership of the Committee shall be composed of:

- a. The Town Planner (Chair)
- b. The Director of Public Works
- c. The Harbormaster
- d. The Chair (or designee) of the Planning Board
- e. The Chair (or designee) of the Recreational Commission
- f. The Chair (or designee) of the Harbor and Coastal Waters Commission
- g. The Chair (or designee) of the Economic Development Committee
- h. One member to be appointed by the Town Council from the public who owns or manages a business in the immediate Stone Bridge vicinity, for a 3-year term.
- i. Two (2) members of the public to be appointed by the Town Council for 3-years terms.

The initial three (3) members of the public shall be appointed for staggered 1, 2, and 3 year terms, so that going forward, one public member's term shall expire each year.

3. The Committee shall meet at the call of the Chair, or upon the written request of any three members. It shall be deemed a public body and subject to all requirements of the Open Meetings Act.
4. The Committee shall report at least annually to the Town Council, setting forth its achievements, projects and goals.
5. The Committee shall terminate not later than January 1, 2013.

Adopted by the Town Council on the \_\_\_\_ day of February 2008.

\_\_\_\_\_  
Nancy Mello, Town Clerk

**Town Treasurer-J. Goncalo-Request Authority to Advertise for Part Time Clerk in Treasurer's Office.**

There was a vacancy in the Treasurer's Office for a Part Time Clerk, Mr. Goncalo requesting to advertise for the hiring to fill the existing position.

Councilor Costa made a motion to advertise for the Part Time Position, seconded by Councilor Carroll. The motion passed unanimously.

The Town Administrator would be developing a job description.

**Town Council-Resolution to Establish Sakonnet River Bridge Committee:**

The Town Administrator had been provided with lists of names that had attended meetings held with DOT with regard to the Sakonnet River Bridge Replacement Project, and distributed the lists to the Council.

Town Solicitor had prepared the Resolution with no formal direction then suggested adding a sunset provision to expire January 1, 2015 or upon dedication of the Bridge.

Town Clerk suggested that appointments be made in order to have some control of membership. Appointments to be made at the next meeting of the Council.

A motion was made by Councilor Carroll to adopt the Resolution including the sunset date of January 1, 2015. The motion was seconded by Councilor Edwards and then carried unanimously.

## **Town of Tiverton**

### **Resolution Establishing**

### **The New Sakonnet Bridge Advisory Committee**

**WHEREAS**, the Tiverton Town Council, the Town Administrator and Town Staff, and several private residents have been meeting with the Rhode Island Department of Transportation ("DOT"), to learn more about the proposed new Sakonnet River Bridge (the "Bridge") and provide input to the DOT on the design and construction of the Bridge; and

**WHEREAS**, the DOT has agreed to meet regularly with a group from the Town as the Bridge construction process proceeds, and it is necessary to provide a formalized structure with continuity and cross-section of representation for said group:

**IT IS HEREBY RESOLVED**, by the Town Council of Tiverton that the New Sakonnet Bridge Advisory Committee ("Committee") is hereby established and organized as follows:

1. **Purpose**

The purpose of the Committee shall be to assist and advise the Town Council, Town Administrator, and the residents living in the vicinity of the Bridge, on improving communications with the DOT, enhancing and improving the design elements of the Bridge, and mitigating the negative impacts of the construction process of the Bridge.

2. **Membership**

The membership of the Committee shall be composed of:

- j. The Town Administrator (Chair)
- k. One Member of the Town Council, appointed by the Town Council (Vice Chair)
- l. The Director of Public Works
- m. The Town Planner
- n. The Harbormaster
- o. The Chair (or designee) of the Planning Board
- p. The Chair (or designee) of the Conservation Commission
- q. The Chair (or designee) of the Harbor and Coastal Waters Commission
- r. Three members to be appointed by the Town Council from the public, who own property within 1,000 feet of the Bridge boundaries, for 3-year terms.
- s. The Town Clerk (ex-officio) as Secretary of the Committee.

The initial three (3) members of the public shall be appointed for staggered 1, 2, and 3 year terms, so that going forward, one public member's term shall expire each year.

3. The Committee shall meet at the call of the Chair or Vice-Chair, or upon the written request of any three members. It shall be deemed a public body and subject to all requirements of the Open Meetings Act.
4. The Committee shall report at least quarterly to the Town Council, setting forth its achievements, projects and goals.
5. The Committee shall terminate on January 1, 2015.

Adopted by the Town Council on the \_\_\_\_ day of February 2008.

\_\_\_\_\_  
Nancy Mello, Town Clerk

**Town Council-Advertisement for Town Administrator:**

Town Solicitor had drafted the advertisement encumbering Town Administrator's draft and a few things from other municipalities.

The Council reviewed the advertisement; President Durfee suggested a minor change, third paragraph, third line delete ~~replace~~ with **preferred**.

The suggested time for return of the application was April 4, 2008. Councilor Carroll requested an earlier response by March.  
Job description as per Charter or could be expanded.

A motion was made by Councilor Costa to proceed with the Advertising, applications due no later than April 4, 2008 and the change recommended by the Council President. Councilor Edwards seconded the motion. The motion passed by vote of 6-1, Councilor Carroll opposed.

Advertising would be published two Sundays in the Providence Journal, RI Cities and Town Web Site, Mass. Municipal Web Site.

**Town Administrator-Approval of Building Official/Zoning Official Employment Contract:**

Town Administrator seeking Council approval of the Employment Contract for the Building Official/Zoning Official current contract due to expire at the end of March. Town Administrator made a statement that the Building Official was the most underpaid in the Town of Tiverton. Police Officers and Firefighters make more money; the dispatchers are very close within \$2,300.00  
The Building Official not eligible for overtime, has the responsibility to make sure all buildings are properly inspected, are up to code for health and safety reasons.

The contract showed a salary increase from \$52,500.00 to \$58,000.00, year's two and three, increases would be determined by merit. For the record, Town Administrator stated that Mr. Eames wanted to be a Team Player and recognized the financial constraints  
The matter was a tough situation, Council could consider speaking with Labor Counsel as to what can be done. A meeting was scheduled with Labor Counsel next Council meeting.  
Councilor Bollin suggested holding the vote on the Contract, the matter was a bad situation, not properly funded, and have great respect for Mr. Eames

A motion was made by Councilor Bollin, seconded by Councilor Edwards to continue the matter to the next Council Meeting of February 25, 2008. The motion passed unanimously.

**Police Pension Board Commission-Report on Police Pension Plan:**

User 2/19/08 3:28 PM

Deleted: required

Town Administrator gave a brief summary of the Pension Plan. Due to the Pension Board meeting more periodically, the return had increased from 2005. Also handed out a Policy Statement. The report was being forwarded to the Auditor General.

**Town Administrator-Request Permission to Negotiate Three Year Agreement for Pocasset Hill Cemetery Maintenance:**

The Bid for labor, equipment and materials for the maintenance of the Pocasset Hill Cemetery was duly advertised with a deadline due on February 5, 2008. There were no bids received, therefore Town Administrator requesting negotiation with the current contractor, perhaps a one or two-year contract and come back to Council with a price at the next Council meeting.

**BIDS & REQUESTS FOR PROPOSALS**

**Town Administrator-Request Authorization to Bid for Trailer for Town Maintenance Department:**

Town Administrator explained that the current trailer was eighteen years old, the body and frame extremely rusty. Proposing to set aside \$6,000.00 from the Engineering/Test Permits Account #554-539. Requesting authorization to go out for bids, the specifications were attached to the Agenda request.

A motion was made by Councilor Edwards allowing going out to bid for the trailer. Councilor Medeiros seconded the motion. The motion passed unanimously.

**Town Administrator-Request Develop Bid Specifications to Replace the Roof at Senior Citizen and Allocate \$30,000.00 from Acct. #210-266 (Health Account)**

There had been previous discussion in the earlier part of the meeting in regard to transferring funds from the Health Care Account without having projection of what would be needed and balance by the end of June.

Some discussion ensued; Councilor Bollin had no problem with getting a bid to see what the numbers would come in as. Councilor Edwards not supportive of going out for bid and not have money. Mr. Martin agreed with Councilor Bollin, go to bid would have a solid figure to be presented at the Financial Town Meeting.

Councilor Bollin made a motion to seek bids for the roof repair, seconded by Councilor Medeiros, then passed by vote of 6-1, Councilor Edwards opposed.

**TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**PUBLIC ANNOUNCEMENTS:**

1. Town Hall will be closed on February 18, 2008 in observance of Presidents Day.
2. Distributed copies of Budget showing a comparison of 4.4% and 1.4% level funded budget for Council review. A Workshop was scheduled for March 3, 2008 at the Community Center on Judson Street at 7:00 p.m.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

**TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

1. **Industrial Park**
  - a. Unsealing of Agreement dated 8/17/2000
  - Addendum to Agreement dated 4/12/2001
  - Agreement Extension dated February 9, 2004
  - Extension Agreement dated April 30, 2004

- Agreement dated November 9, 2006  
Extension to Agreement dated June 18, 2007  
b. Termination Notice for Agreement and Extension

Back in 2000, a Purchase and Sales Agreement had been signed, later an Addendum to the Agreement dated April 12, 2001, on February 9, 2004 an Agreement Extension, a New Agreement dated November 9, 2006, on June 18, 2007, an Extension to the Agreement, Received an Official Termination Notice as of January 31, 2008 and received \$10,000.00 as part of Agreement NEP Holdings was paying \$10,000.00 a month for the right to continue to purchase. Town Solicitor requesting to unseal all of the agreements as whole agreements. No reason to keep them sealed. Not unsealing the Executive Minutes.

A motion was made by Councilor Bollin to unseal Agreement dated 8/17/2000, Addendum dated 4/12/2001, Agreement Extension dated February 9, 2004, Extension Agreement dated April 30, 2004, Agreement dated November 9, 2006, Extension to Agreement dated June 18, 2007 and Termination Noted for Agreement and Extension. Councilor Edwards seconded the motion, which passed unanimously.

Town Administrator, for the record the Town saved \$250,000.00 and recognized Mr. Arthur Wyman for his role in the Agreement of 2006, to alleviate a lawsuit filed.

## **2. Memorandum Regarding Maintenance of Town Dams**

There had been past discussion in regard to having an Ordinance in place whereby if private dams are not maintained and there is a break to which the Town must respond and the issue of cost recovery for private dam clean up.

Town Solicitor's memo, none of the fourteen Towns that he researched had ordinances on the matter. If there is a dam in Tiverton that the town thinks is unsafe, the Town should notify the Director of Environmental Management, then DEM will force the owner to repair, to make the dam safe.

New Legislation, the Town is responsible to have Emergency Plan for each Dam to be completed by July 1, 2008 at an estimated cost of \$6,000.00 per dam

The Emergency Operation Plan was due to be done by February 29, 2008 to be forwarded to State for review.

Received a notice from CRMC, a problem with the current Management Plan, asked the State for an extension.

Town Solicitor requesting meeting of February 25, 2008 begin at 6:30 p.m. for Executive Session for Labor Matters and discussion of Personnel

## **CLOSED EXECUTIVE SESSION**

### **Town Solicitor-42-46-5(a)(2)-Litigation**

### **Town Administrator-42-46-5(a)(5) -Acquisition or Disposition of Town Held Property**

### **Town Council -42-46-5(a)(1)-Personnel- Job Performance-Town Administrator-Notice Given**

A motion was made by Councilor Bollin, seconded by Councilor Medeiros to enter into Executive Session pursuant to 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property. Passed unanimously.

The Council entered into Executive Session at approximately 9:45 p.m.

The Council returned to Open Session at approximately 10:00 p.m.

**OPEN SESSION:**

Councilor Durfee announced no formal action taken in Executive Session.

Councilor Edwards motioned to seal the minutes, seconded by Councilor Carroll. Passed unanimously.

**ADJOURNMENT:**

Councilor Edwards motioned to adjourn, seconded by Councilor Costa. Motion passed unanimously.  
Council adjourned at 10:05p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Regular Town Council Meeting at the Town Hall on Thursday, the 30th day of June 2005 A.D. at 7:00 p.m.

**ROLL CALL**

Joanne M. Arruda	Cecil E. Leonard
Donald Bollin	Brian A. Medeiros
Paul E. Carroll	Arthur R. Wyman Jr.
Louise Durfee (Absent)	

Vice President, Donald Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Town Solicitor, Andrew M. Teitz was also present and Town Administrator was not in attendance.

**Approval of Consent**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the Agenda.

Councilor Bollin read all the items listed as Consent Agenda.

Councilor Carroll requested those Items A-1 and A-3 is removed under Approval of Minutes as well as Item E-3 under New Business.

Councilor Leonard requested to have removed Items A-5 and A-6 under Approval of Minutes also requested the removal of Items D-4a under Financial Business, the removal of Item I-1 under Abatements and Items under Correspondence J-1 and J-2.

Councilor Arruda requested Item J-6 under Correspondence be removed from the Consent Agenda.

Mr. Carroll made a motion, seconded by Mrs. Arruda to approve the remaining items listed on the Consent Agenda. The motion made was unanimous.

The remaining items on the Consent Agenda were as follows:

**Approval of Minutes Of Previous Meetings:**

A-1--Special Town Council Meeting of May 16, 2005

A-4- Regular Town Council Meeting of June 13, 2005

A-7-Council Workshop Minutes of June 20, 2005

**Financial Business:**

D-1-Tax Collector-Request Approval of Inter-Departmental Transfers

\$450.00 from #215-535 (Telephone) to #215-623 (Supplies)

D-2-Chief Lloyd-TFD-Requests Approval of Inter-Departmental Transfer

\$300.00 from #331-640 (Station Maint.) to #331-740 (Apparatus Maint.)

D-3-Chief Blakey-Request Inter-Departmental Transfers

\$209.32 from #333-167 (Equipment) to #333-528 (Education)

\$509.32 from #333-168 (Uniform) to #333-528 (Education)

\$400.76 from #333-530 (Radio) to #333-528 (Education)

\$1,670.70 from #333-648 (Vehicle) to #333-528 (Education)

\$200.00 from #333-648 (Vehicle) to #333-640 (Building Maintenance)

**Correspondence**

Distributed Prior to Council Meeting

J-1-Correspondence Received from Citizens Union Regarding Grand Opening June 18th

J-2-Correspondence Received from General Assembly State of RI Commending Town's Effort to  
Implement the Housing Act of 2004